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Approved for use through 10/31/2002. OMB 0651-003
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCION to a collection of information unless it contains a valid OMB control number

Fax: (703) 872-9306

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

March 29, 2004

Date

Signature Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1. Transmittal of Response to Decision on Petition to Withdraw The Holding Of Abandonment dated March 17, 2004 for Patent Application, Serial Number 09/992,681. [Our Ref: 68.0176US] (26 pages)
- 2. Authorization to charge any fees to Deposit Account No. 50-0457.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

MAR 2 9 2004

PATENT

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Goode, Peter et al

Serial No.: 09/992,681

03/29/04 MON 09:19 FAX 281 285 5537

Filed: November 19, 2001

For: Downhole Measurement Apparatus And

Technique

Confirmation No.: 5874

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Attorney Docket: 68.0176

Mail Stop - Office of Petitions Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

CERTIFICATE OF TRANSMISSION 37 C.F.R. 1.8 & 1.10

I hereby certify that this document and its attachments are being sent on the date indicated below to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 by:

Signature

x Facsimile to number (703) 872-9306.

First class mail.

x Express Mail: Post Office to Addressee No. EV 335 954 584 US.

March 29, 2004

Date

**PETITION** 

Sir:

This petition is being submitted via facsimile and "Express Mail" in response to the Decision on Petition To Withdraw The Holding Of Abandonment mailed March 17, 2004, which is in reference to the Decision on Petition To Withdraw The Holding Of Abandonment mailed February 6, 2004 and the Notice of Abandonment mailed on October 21, 2003. Enclosed herewith are the following:

Exhibit A -- a copy of the original response bearing a signed Certificate of Transmission, which includes the date of signing; and

 Exhibit B -- a statement under 37 C.F.R. 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of Transmission.

The Assistant Commissioner is authorized to deduct the petition fee (37 C.F.R. 1.17(h)) in the amount of \$130.00 from Schlumberger Technology Corporation Deposit Account No. <u>50-0457</u>. The Assistant Commissioner is also authorized to deduct any other fees required for this petition from Schlumberger Technology Corporation Deposit Account No. <u>50-0457</u>.

If the petition is granted, please refund the petition fee to Schlumberger Technology Corporation Deposit Account No. <u>50-0457</u>.

Applicant respectfully requests reconsideration, that the application be reinstated with its original filing date of November 19, 2001 and that the petition fee be refunded.

Respectfully submitted,

Jeffrey E. Griff

Please address correspondence to:

Jeffrey E. Griffin
Schlumberger Technology Corporation
14910 Airline Road
P.O. Box 1590
Rosharon, Texas 77583-1590
Phone: (281) 285-5720

Pnone: (281) 285-572 Fax: (281) 285-5537

# **EXHIBIT A**

PTO/SB/97 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Jo: Examiner H. Danio

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

March 26, 2003

Date

Signature Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- 1. Transmittal of Response to Restriction Requirement for Patent Application Serial Number 09/992,681. [Our Ref: 68.0176US] (2 pages)
- 2. Authorization to charge any fees to Deposit Account No. 50-0457.

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Weshington, DC 20231, DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

03/26/03 WED 12:25 FAX 281 285 5537

SRC IP LAW DEPT

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TRANSMISSION OK

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CONNECTION TEL SUBADDRESS 917033053597

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RESULT

OK

Approved for use through 10/31/2002 OMB 0651-0031
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid CMAR TO THE PAPER OF THE PA

Jo: EXAMINEL H. DANG

Certificate of Transmission under 37 CFR 1.8

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office

on March 26, 2003

Date

Signature Cherita Persons-Grimstead

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

- Transmittal of Response to Restriction Requirement for Patent Application Serial Number 09/992,681. [Our Ref: 68.0176US] (2 pages)
- 2. Authorization to charge any fees to Deposit Account No.

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant:	§	
GOODE, P. et al	§	Group Art No.: 3672
G : 137 - 00/000 cor	§	
Serial No.: 09/992,681	§	Examiner: Dang, H.C.
Filed: November 19, 2001	§ 2	Da-l No. 60 0176
1 Hear 140 vember 19, 2001	§ 8	Docket No: 68.0176
Title: Downhole Measurement Apparatus	\$ &	
And Technique	\$ §	
•		

Commissioner for Patents Washington, DC 20231

## RESPONSE TO RESTRICTION REQUIREMENT

#### Dear Sir:

In response to the restriction requirement mailed on March 17, 2003, the Assignee elects the claims of Group I (claims 1-20, 31-56, and 61-81) and the species of Figures 2-12 without traverse. Claims within Group I and readable on the elected species are claims 1-5, 7-8, 10-15, 17-18, 20, 31-56, 61-62, 64-68, 70-78.

The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. <u>50-0457</u>.

Respectfully submitted,

3/26/03

Jeffrey E. Griffin Reg. No. 36,534 Schlumberger Technology Corporation

P.O. Box 1590"/ Rosharon, TX 77459

(281) 285-5720

(281) 285-5537

Date of Deposit: 24

I hereby certify under 37 CFR 1.6(d) that this correspondence is being facsimile transmitted on the date indicated above and is addressed to: Assistant Commissioner for Patents, Washington DC 20231.

Cherita Persons-Grimstead

Fax No.: (703) 305-3597



#### <u>United States Patent and Trademark Office</u>

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARKS Washington, D.C. 20231

	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
	09/992,681	11/19/2001	Peter A. Goode	68.0176	5874
	75	90 03/17/2003			•
	Schlumberger Technology Corporation			EXAMI	NER
Schlumberger Reservoir Completions 14910 Airline Road			RECEIVED	DANG, HOANG C	
	P.O. Box 1590 Rosharon, TX	77583-1590		ART UNIT	PAPER NUMBER
			MAR 2 4 2003	3672	
		I.P. LAW DEPT.	DATE MAILED: 03/17/2003		

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED UPDATED RESPONSE Non-Final FINAL
2 mos. 3 mos. Action(s)/Date(s): 10 M. Log. 4/17/03
SCHOOL SCHOOL BY: 0/6

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11	Laurtination No.	Applicant(s)				
	Application No.					
	09/992,681	GOODE ET AL.				
Office Action Summary	Examiner	Art Unit				
	Hoang Dang	3672				
- The MAILING DATE of this communication app	pears on the cover sheet with the	correspondence address V				
A SHORTENED STATUTORY PERIOD FOR REPL	Y IS SET TO EXPIRE 1 MONTH	I(S) FROM				
THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a roply be timely filled						
If the period for reply specified above is less than thirty (30) days, a repl NO period for reply is specified above, the maximum statutory period to Fallure to reply within the set or extended period for reply will, by statute Any reply received by the Office later than three months after the mailing	after SIX (5) MONTHS from the mailing date of this communication.					
earned palent term adjustment. See 37 CFR 1.704(b).  Status						
1) Responsive to communication(s) filed on	· '					
2a) This action is FINAL. 2b) Th	is action is non-final.	•				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the ments is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims						
4) Claim(s) 1-81 is/are pending in the application.		•				
4a) Of the above claim(s) is/are withdraw						
5) Ciaim(s) is/are allowed.						
6) ☐ Claim(s) is/are rejected.						
7) Claim(s) is/are objected to.						
8) Claim(s) 1-81 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.	9) The specification is objected to by the Examiner.					
1	10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the						
11) The proposed drawing correction filed oni		ved by the Examiner.				
If approved, corrected drawings are required in reply to this Office action.						
12) The cath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
2. Certified copies of the priority documents have been received in Application No						
<ul> <li>3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>* See the attached detailed Office action for a list of the certified copies not received.</li> </ul>						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
	a) The translation of the foreign language provisional application has been received.					
15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Affachment(s)						
1) Notice of References Cited (PTO-992) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal Pa	PTO-413) Paper No(s) tent Application (PTO-152)				

U.S. Patent and Trademark Office PTO-326 (Rev. 04-01)

Office Action Summary

Application/Control Number: 09/992,681

Art Unit: 3672

## Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-20, 31-56 and 61-81, drawn to a system or method usable with a subterranean well, classified in class 166, subclass 250.001.
  - II. Claims 21-30, drawn to a resistivity tool, classified in class 324, subclass 352.
  - III. Claims 57-60, drawn to a method of establishing fluid communication between an exterior of a casing and its interior, classified in class 166, subclass 297.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II or III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the detailed structure of the resistivity tool (e.g., transmitter, receiver, circuit) of Group II or the piercing of the casing of Group III are not required by the combination claims (e.g., see claims 1, 11, 75, 79). The subcombination has separate utility such as a tool for measuring resistivity having no packer or/and puncher (Group II) and a method for producing a well wherein the communication between the exterior of the casing and its interior thereof is for the purpose of production.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one

Application/Control Number: 09/992,681

Art Unit: 3672

Group is not required for another Group, restriction for examination purposes as indicated is proper.

4. This application further contains claims directed to the following patentably distinct species of the claimed invention: the species of figures 2-12; the species of figures 13-14; the species of figures 13-14; the species of figure 15; the species of figures 16-17, the species of figure 18; the species of figure 20-21

Aplicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Application/Control Number: 09/992,681

Art Unit: 3672

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- 6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Application/Control Number: 09/992,681

Art Unit: 3672

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang Primary Examiner Art Unit 3672

09992681.res March 13, 2003.

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Goode, Peter et al

Serial No.: 09/992,681

Filed: November 19, 2001

For: Downhole Measurement Apparatus And

Technique

Confirmation No.: 5874

Group Art Unit: 3672

Examiner: Dang, Hoang C.

Attorney Docket: 68.0176

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450 Mail Stop – Office of Petitions

## **STATEMENT UNDER 37 C.F.R. 1.8(b)(3)**

I, Cherita Persons-Grimstead, am a Paralegal with Schlumberger Technology Corporation, having an address at 14910 Airline Road, Rosharon, Texas 77583, do hereby make the following statement: I am over the age of 21, and do hereby attest to my personal knowledge that I sent the document attached hereto as Exhibit 1, entitled "Response to Restriction Requirement," together with the document attached hereto as Exhibit 2, entitled "Certificate of Transmission under 37 CFR 1.8", via facsimile transmission on the date of March 26, 2003; and further attest that the date of March 26, 2003 is the date indicated on the Certificate of Transmission of Exhibit 2; and still further attest that I am the person who signed and dated the Certificate of Transmission of Exhibit 2 for submission with the Response to Restriction Requirement of Exhibit 1.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful statements may jeopardize the validity of the application or any patent issued thereon.

Date: March 29, 2004

Cherita Persons-Grimstead

# **EXHIBIT 1**

#### IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Applicant: GOODE, P. et al Group Art No.: 3672 Serial No.: 09/992,681 Examiner: Dang, H.C. Docket No: 68.0176 Filed: November 19, 2001 Title: Downhole Measurement Apparatus And Technique

Commissioner for Patents Washington, DC 20231

### RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

In response to the restriction requirement mailed on March 17, 2003, the Assignee elects the claims of Group I (claims 1-20, 31-56, and 61-81) and the species of Figures 2-12 without traverse. Claims within Group I and readable on the elected species are claims 1-5, 7-8, 10-15, 17-18, 20, 31-56, 61-62, 64-68, 70-78.

The Commissioner is authorized to pay any additional fees or credit any overpayment to Deposit Account No. 50-0457.

Respectfully submitted,

Jeffrey E. Griffin Reg. No. 36,534

Schrumperger Technology Corporation

P.O. B x 1590

Rosharon, TX 77459

(281) 285-5720

(281) 285-5537

Date of Deposit:

I hereby certify under 37 CFR 1.6(d) that this correspondence is being facsimile transmitted on the date indicated above and is addressed to:

Charita Persons-Grimstead

Fax No.: (703) 305-3597



#### United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER OF PATENTS AND TRADEMARIA Westington, D.O. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/992,681	11/19/2001	Peter A. Goode	. 68.0176	5874
75.	90 03/17/2003			
Schlumberger Technology Corporation Schlumberger Reservoir Completions 14910 Airline Road P.O. Box 1590 Rosharon, TX 77583-1590			EXAMINER	
		RECEIVED	DANG, HOANG C	
			ART UNIT	PAPER NUMBER
		MAR 2 4 2003	3672	
		I.P. LAW DEPT.	DATE MAILED: 03/17/2003	

Please find below and/or attached an Office communication concerning this application or proceeding.

DOCKETED UPDATED  RESPONSE: Non-Final FINAL  2 mos.  Action(s)/Date(s): Codf: Log.  4/17/03	
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YI CPA Scan By:	

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·					
		Application No.	Applicant(s)		
-		09/992,681	GOODE ET AL.		
	Office Action Summary	Examiner	Art Unit		
		Hoang Dang	3672		
<del> </del>	- The MAILING DATE of this communication app	pears on the cover sheet with the	correspondence address V		
Period	for Reply	CONTROLLED A MONTH	NS) FROM		
TH - 5	SHORTENED STATUTORY PERIOD FOR REPLY  E MAILING DATE OF THIS COMMUNICATION:  Extensions of time may be available under the provisions of 37 CFR 1.13  Ther SIX (6) MONTHS from the mailing date of this communication.	36(a). In no event, however, may a reply be t	imėly filed		
- II - F - A	If the period for reply specified above is less than thirty (30) days, a reply within the stationy infinition of this communication.  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).				
Status					
1 1		s action is non-final.			
2a)[ 3)[			rosecution as to the ments is		
	closed in accordance with the practice under Elition of Claims	Ex parte Quayle, 1935 C.D. 11,	453 O.G. 213.		
4) 🗵	Claim(s) 1-81 is/are pending in the application.				
	4a) Of the above claim(s) is/are withdraw	n from consideration.			
-   5)□	Ciaim(s) is/are allowed.		· · · · · · · · · · · · · · · · · · ·		
6)[	The state of the s		<u>.</u>		
7)	7) Claim(s) is/are objected to.				
	8) Claim(s) <u>1-81</u> are subject to restriction and/or election requirement.  Application Papers				
	9) The specification is objected to by the Examiner.				
	The drawing(s) filed on is/are: a) accepte	ed or b) objected to by the Exam	miner.		
/-	Applicant may not request that any objection to the o	drawing(s) bè held in abeyance. Se	ee 37 CFR 1.85(a).		
11)	11) ☐ The proposed drawing correction filed on is: a) ☐ approved b) ☐ disapproved by the Examiner.				
	If approved, corrected drawings are required in reply				
12)	The oath or declaration is objected to by the Exan	niner.			
Priority	under 35 U.S.C. §§ 119 and 120				
13) 🗌	Acknowledgment is made of a claim for foreign p	nonty under 35 U.S.C. § 119(a)	-(d) or (f).		
1	□ All b)□ Some * c)□ None of:				
	1. Certified copies of the priority documents h	ave been received.			
	2 Certified copies of the priority documents h	ave been received in Application	n No		
<b>+</b> 9	<ul> <li>Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).</li> <li>See the attached detailed Office action for a list of the certified copies not received.</li> </ul>				
i∡∖□ A	cknowledgment is made of a claim for domestic p	riority under 35 U.S.C. § 119(e)	(to a provisional application).		
a)	The translation of the foreign language provisions the companies of the foreign language provisions the companies of the comp	ional application has been rece	ived.		
Attachment					
1) Notice	of References Cited (PTO-892) of Draftsperson's Patent Drawing Review (PTO-948) ation Disclosure Statement(s) (PTO-1449) Paper No(s)	5) Notice of Informal Pa	PTO-413) Paper No(s) tent Application (PTO-152)		

Application/Control Number: 09/992,681

Art Unit: 3672

#### Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - Claims 1-20, 31-56 and 61-81, drawn to a system or method usable with a subterranean well, classified in class 166, subclass 250.001.
  - II. Claims 21-30, drawn to a resistivity tool, classified in class 324, subclass 352.
  - III. Claims 57-60, drawn to a method of establishing fluid communication between an exterior of a casing and its interior, classified in class 166, subclass 297.

The inventions are distinct, each from the other because of the following reasons:

- 2. Inventions I and II or III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the detailed structure of the resistivity tool (e.g., transmitter, receiver, circuit) of Group II or the piercing of the casing of Group III are not required by the combination claims (e.g., see claims 1, 11, 75, 79). The subcombination has separate utility such as a tool for measuring resistivity having no packer or/and puncher (Group II) and a method for producing a well wherein the communication between the exterior of the casing and its interior thereof is for the purpose of production.
- 3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification and the search required for one

1

Application/Control Number: 09/992,681

Art Unit: 3672

Group is not required for another Group, restriction for examination purposes as indicated is proper.

This application further contains claims directed to the following patentably distinct species of the claimed invention: the species of figures 2-12; the species of figures 13-14; the species of figures 13-14; the species of figure 15; the species of figures 16-17; the species of figure 18; the species of figure 20-21

Aplicant is further required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP §. 809,02(a).

Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the

Application/Control Number: 09/992,681

Art Unit: 3672

examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

- 5. Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).
- Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang Dang whose telephone number is 703-308-2149. The examiner can normally be reached on 9:15-5:45 Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Bagnell can be reached on 703-308-2151. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3597 for regular communications and 703-305-3597 for After Final communications.

Application/Control Number: 09/992,681

Art Unit: 3672

Page 5

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.

Hoang Dang Primary Examiner Art Unit 3672

09992681.res March 13, 2003.

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